



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,838	02/18/2004	Floyd Backes	160-040	3757
34845	7590	05/21/2009		
Anderson Gorecki & Manaras LLP				
33 NAGOG PARK				
ACTON, MA 01720				
EXAMINER				
NGO, NGUYEN HOANG				
ART UNIT		PAPER NUMBER		
2416				
NOTIFICATION DATE		DELIVERY MODE		
05/21/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

handerson@smmalaw.com
officeadmin@smmalaw.com
cmorrisette@smmalaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: FLOYD BACKES

Application No. 10/780,838
Technology Center 2400

Mailed: May 21, 2009

Before ERIC W. HAWTHORNE *Supervisory Paralegal Specialist*
HAWTHORNE, *Supervisory Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on December 5, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

APPEAL BRIEF, CLAIMS APPENDIX

A review of the Appeal Brief filed February 6, 2008, reveals that claim 1 in the Claims Appendix of the Appeal Brief contains markings. The copy of the claims should be in proper format and should not include any markings such as brackets or underlining except for claims in a reissue application in accordance with 37 CFR 41.37(c)(1)(viii). *See also Manual of Patent Examining Procedure* (MPEP) § 1205.02 (8th ed. Rev. 6, Sept 2007) for details. Further, Amendments filed on or after the date of filing a brief may be admitted only to cancel claims or to rewrite dependent claims into independent claims. *See also Manual of Patent Examining Procedure* (MPEP) § 1206 (8th ed. Rev. 6, Sept 2007)

Appropriate correction of all claims provided in the Claims Appendix in proper format is required.

CONCLUSION

Accordingly, it is ORDERED that the application is returned to the Examiner:

- 1) for correction of the Claims Appendix of the Brief filed February 6, 2008; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

EWB/saw

Application No. 10/780,838

Anderson Gorecki & Manaras LLP
33 NAGOG PARK
ACTON MA 01720